

maintain an Institute for Urban Studies in the Fort Worth-Dallas metropolitan area and the Board of Regents of the University of Houston to establish and maintain an Institute for Urban Studies in the Houston metropolitan area; providing for the duties of said Institutes; providing for organization and administration of said Institutes; authorizing the acceptance and use of funds, property and services by said Institutes; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 9, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 425, "An Act authorizing additional trustees for public junior college districts originally created as county junior college districts which have been enlarged by addition of parts of two (2) or more counties; fixing terms of trustees and providing for election and appointment; authorizing appointments to fill vacancies; providing Act shall be cumulative of existing laws; providing partial invalidity shall not affect remainder of Act; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 9, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 292, "An Act concerning an optional retirement program for teachers and administrative personnel employed by state-supported institutions of higher education and annuity and insurance contracts issued for these and related purposes; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

## Sent to Governor

May 9, 1967

S. B. No. 166

S. B. No. 395

S. B. No. 187

S. B. No. 285

S. C. R. No. 62

S. C. R. No. 65

S. C. R. No. 66

## FIFTY-EIGHTH DAY

(Wednesday, May 10, 1967)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Berry	Moore
Blanchard	Parkhouse
Brooks	Patman
Christie	Ratliff
Cole	Reagan
Connally	Schwartz
Creighton	Strong
Grover	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

## Absent—Excused

Hall Kennard

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

## Leaves of Absence

Senator Kennard was granted leave of absence for today on account of illness in the family on motion of Senator Wilson.

Senator Hall was granted leave of absence for today on account of illness in the family on motion of Senator Word.

**Senate Resolution 601**

Senator Hardeman offered the following resolution:

Whereas, It is the desire of the Senate of the 60th Legislature to extend Mother's Day greetings and congratulations to Mrs. R. W. Jones, who is nearing her 97th birthday; and

Whereas, Mrs. Jones was born Mary Elizabeth Tarpley, the oldest of eight children born to a Baptist minister and his wife; and

Whereas, She and her family moved by train from Tennessee in her early years; and on December 17, 1890, she met the man whom she later married, Robert Wesley Jones, and they lived happily together for nearly 60 years when Mr. Jones was taken in death in 1950; and

Whereas, Her younger brother, Mr. Edgar Tarpley of Greenville, is still living and, for a number of years, has served as president of what is now known as the Tarpley Reunion, which is held every July and, at which time, all the kin gather for a picnic at the City Park. On this occasion, Mrs. Jones "Aunt Molly" wins the prize for being the oldest person present; and

Whereas, Mrs. Jones has maintained a keen interest in State and County Government, and her sons inherited this interest, as their careers would indicate, as her eldest son, Charles R. Jones, served in District and County Offices and in 1942 was elected to the Texas Senate where he served for eight years. In 1951, he was chosen to serve as Head Doorkeeper of the Senate, a position he still holds; and

Whereas, Her other children, O. L. (Pigg) Jones, is an employee of the County Clerk's Office in Sherman, where he has served for more than 20 years; Clarence Jones is now bailiff in the District Court in Sherman and was formerly Reading Clerk and Chief Clerk in the Texas House of Representatives; Carl Jones of Bonham and Claud Jones of Trenton; and

Whereas, Mrs. Jones makes her home with her daughter, Mrs. Fred Moore of Bells, where she keeps her own room and occupies her time reading the Bible, keeping up with the news and doing handwork; and

Whereas, It is the desire of the Senate of Texas to express appreciation to this great lady for her many contributions to her community, her

State and to her fellow man in her capacity as a citizen, a mother and a grandmother; now, therefore, be it

Resolved, by the Senate of the 60th Legislature, That congratulations and appreciation be extended to Mrs. R. W. Jones in recognition of her full and useful life; and be it further

Resolved, That this Resolution be adopted and copies of it be sent to Mrs. Jones as a token of our admiration.

**HARDEMAN  
AIKIN  
WORD**

Signed—Lieutenant Governor Preston Smith; Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Harrington, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Parkhouse, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was then adopted.

**Senate Bill 600 on First Reading**

Senator Patman moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Berry	Moore
Blanchard	Parkhouse
Brooks	Patman
Christie	Ratliff
Cole	Reagan
Connally	Schwartz
Creighton	Strong
Grover	Wade
Hardeman	Watson
Harrington	Wilson
Herring	Word

**Absent**

**Hazlewood**

## Absent—Excused

Hall

Kennard

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Patman:

S. B. No. 600, A bill to be entitled "An Act relating to the compensation and expenses of the District Attorney of the 24th Judicial District, the compensation of his stenographer, and the appointment and compensation of an assistant district attorney; amending Chapter 310, Acts of the 57th Legislature, Regular Session, 1961 (Article 326k-45, Vernon's Texas Civil Statutes); and declaring an emergency."

To the Committee on Counties, Cities and Towns.

## Senate Bill 601 on First Reading

Senator Patman moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Berry	Moore
Blanchard	Parkhouse
Brooks	Patman
Christie	Ratliff
Cole	Reagan
Connally	Schwartz
Creighton	Strong
Grover	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

## Absent—Excused

Hall

Kennard

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Patman:

S. B. No. 601, A bill to be entitled "An Act relating to the compensation and expenses of the District Attorney of the 25th Judicial District, the com-

pensation of his stenographer, and the appointment and compensation of an assistant district attorney; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

## Senate Bill 602 on First Reading

The following local bill was introduced, read first time and referred to the Committee indicated:

By Senator Brooks:

S. B. No. 602, A bill to be entitled "An Act abolishing the Lomax Municipal District and repealing Chapter 438, Acts of the 57th Legislature, Regular Session, 1961 (Article 8280-259, Vernon's Texas Civil Statutes); and declaring an emergency."

To the Committee on Water and Conservation.

## Senate Bill 603 on First Reading

Senator Schwartz moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Berry	Moore
Blanchard	Parkhouse
Brooks	Patman
Christie	Ratliff
Cole	Reagan
Connally	Schwartz
Creighton	Strong
Grover	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

## Absent—Excused

Hall

Kennard

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Schwartz:

S. B. No. 603, A bill to be entitled "An Act authorizing the Commissioners Court in certain counties to appro-

priate and expend funds out of the General Fund for the purpose of purchasing, constructing, restoring, preserving, maintaining and reconstructing historical landmarks, buildings, and furnishings in said counties, and providing for the expenditure thereof; providing a severability clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

#### Motion to Introduce Joint Resolution

Senator Schwartz moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a joint resolution, the provisions of which he explained.

The motion was lost by the following vote (not receiving two-thirds vote of the Members of the Senate):

#### Yeas—19

Aikin	Jordan
Bates	Mauzy
Bernal	Parkhouse
Berry	Patman
Blanchard	Schwartz
Brooks	Strong
Christie	Watson
Cole	Wilson
Harrington	Word
Hazlewood	

#### Nays—6

Creighton	Herring
Grover	Ratliff
Hardeman	Reagan

#### Absent

Connally	Moore
Hightower	Wade

#### Absent—Excused

Hall	Kennard
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#### Senate Bill 604 on First Reading

Senator Bernal moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—25

Aikin	Bates
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Bernal	Mauzy
Berry	Parkhouse
Blanchard	Patman
Brooks	Ratliff
Christie	Reagan
Cole	Schwartz
Grover	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word
Jordan	

#### Absent

Connally	Hightower
Creighton	Moore

#### Absent—Excused

Hall	Kennard
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The following bill was then introduced, read first time and referred to the Committee indicated:

By Senators Bernal, Connally and Berry:

S. B. No. 604, A bill to be entitled "An Act repealing Articles 647 through 652, Penal Code of Texas, 1925, and Sections 2, 2a, and 4, Chapter 1, Acts of the 45th Legislature, 1st Called Session, 1937; amending Chapter 2, Acts of the 45th Legislature, 1st Called Session, 1937; and providing for the regulation, licensing, and taxing of horse racing and pari-mutuel wagering in this state; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 121, Authorizing the House Enrolling and Engrossing Clerk to make certain corrections in House Bill 347.

H. C. R. No. 122, Authorizing the House Enrolling and Engrossing Clerk to amend the caption of House Bill No. 559.

S. B. No. 28, A bill to be entitled "An Act authorizing the Central

Education Agency to establish a special program for preschool children who have language disorders and providing for the method of financing the program; and declaring an emergency."

(With Amendment.)

S. B. No. 29, A bill to be entitled "An Act amending Paragraph a, Subsection (4), Section 1, Article III, Chapter 334, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 2922-13, Vernon's Texas Civil Statutes), by redefining the term 'exceptional children' to include language handicapped children; defining 'language handicapped children'; and declaring an emergency."

(With Amendment.)

S. B. No. 122, A bill to be entitled "An Act amending Article 342-104 of the Texas Banking Code of 1943, same being Acts of the 48th Legislature, Chapter 97, by changing the qualifications of certain members of the Finance Commission; and declaring an emergency."

(With Amendment.)

S. B. No. 478, A bill to be entitled "An Act to provide protection for the loss claimant under all types of fire and casualty insurance coverage in the event of insolvency, liquidation, or bankruptcy of his insurance carrier; etc., and declaring an emergency."

S. B. No. 323, A bill to be entitled "An Act relating to the extension of loads on certain motor vehicles beyond the rear of the vehicle; amending Chapter 73, Acts of the 54th Legislature, 1955, as amended by adding a Section 3a (Article 827a-3, Vernon's Texas Penal Code); and declaring an emergency."

(With Amendments.)

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Reports of Standing Committees

Senator Reagan submitted the following report:

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Banking, to which was referred H. B. No.

1157, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REAGAN, Chairman.

Senator Parkhouse submitted the following reports:

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1062, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 805, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 737, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 736, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 735, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 734, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 733, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 861, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 573, have had the same under consideration, and I am instructed to report it back to the

Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 572, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 538, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 535, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 534, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was re-

ferred H. B. No. 532, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 178, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1029, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 177, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 172, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 139, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred S. B. No. 599, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred S. B. No. 444, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

PARKHOUSE, Chairman.

C. S. S. B. No. 444 was read the first time.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred S. B. No. 445, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

PARKHOUSE, Chairman.

C. S. S. B. No. 445 was read the first time.

Senator Watson submitted the following reports:

Austin, Texas,  
May 9, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred H. B. No. 1055, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WATSON, Chairman.

Austin, Texas,  
May 9, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred H. B. No. 990, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WATSON, Chairman.

Austin, Texas,  
May 9, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred H. B. No. 1048, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

WATSON, Chairman.

#### Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolutions:

S. C. R. No. 67, Recalling S. B. No. 438 from the Governor's Office and authorizing certain corrections therein.

S. C. R. No. 68, Commending officials and students of Stephen F. Austin State College for setting homecoming on the birthday of Stephen F. Austin.

S. C. R. No. 69, Expressing appreciation to Austin Mayor Lester Palmer for many years of dedicated Service.

#### Senate Joint Resolution 40 on First Reading

Senator Schwartz moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at

this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—26

Aikin	Jordan
Bates	Mauzy
Bernal	Moore
Berry	Parkhouse
Blanchard	Patman
Brooks	Ratliff
Christie	Reagan
Cole	Schwartz
Creighton	Strong
Grover	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

#### Nays—1

Hardeman

#### Absent

Connally                      Hightower

#### Absent—Excused

Hall                              Kennard

The following resolution was then introduced, read first time and referred to the Committee indicated:

By Senators Schwartz, Kennard, Mauzy, Wilson and Jordan:

S. J. R. No. 40, Proposing an Amendment to Section 16, Article III of the Constitution of Texas providing for open sessions of the House and Senate, providing for an election and the issuance of a proclamation therefor.

To the Committee on Constitutional Amendments.

#### Message From the Governor

The following message received from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas,  
May 10, 1967.

To the Senate of the Sixtieth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Presiding Judge of the Ninth Administrative Judicial District, to fill



the unexpired term of Judge Victor Lindsey, deceased: E. E. Jordan of Amarillo, Potter County.

Respectfully submitted,  
JOHN CONNALLY,  
Governor of Texas

**Senate Bill 72 With  
House Amendment**

Senator Watson called S. B. No. 72 from the President's Table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

**Amendment 1**

Amend S. B. No. 72 by renumbering Section 2 as Section 3, and adding a new Section 2 to read as follows:

"Sec. 2. Nothing in this Act shall repeal, modify, or in any way affect provisions of Chapter 135, Acts of the 50th Legislature, Regular Session, 1947 (Article 5154c, Vernon's Texas Civil Statutes), and Chapter 387, Acts of the 54th Legislature, Regular Session, 1955 (Article 5154g, Vernon's Texas Civil Statutes). If any of the provisions of this Act are held to be in conflict with said laws, said laws shall govern."

The House amendment was read.

Senator Watson moved that the Senate concur in the House amendment.

The motion prevailed.

**Senate Bill 477 With  
House Amendments**

Senator Watson called S. B. No. 477 from the President's Table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

**Committee Amendment 1**

Amend S. B. No. 477 by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. Chapter 21 of the Texas Insurance Code, as amended, enacted as Chapter 491, Acts 1951, 52nd Legislature, Chapter 491, and as

amended, is hereby amended by adding a new article to the Insurance Code to read as follows:

"Article 21.28-A. INSURER DELINQUENCIES AND PREVENTION OF INSURER DELINQUENCIES; SUPERVISION OF INSURERS AND PROCEEDINGS, CONSERVATORSHIPS, LIQUIDATIONS—Additional and alternative provisions.

"Section 1. PURPOSES AND FINDINGS. It is the sense of the Legislature that existing provisions and conditions of law and the ordered procedures of law are sometimes not adequate, nor appropriate under all circumstances, in respect of a need to remedy the financial condition and the management of certain insurers. Neither are the laws adequate for the rehabilitation of insurers who voluntarily request rehabilitation. A void exists in the laws with respect to those insurers most susceptible to rehabilitation or the regaining of solvency. The Legislature finds and determines that the placing of an insurer in receivership often destroys or diminishes, or is likely to destroy or diminish, one or more of the following values or assets: (a) the value of the insurance account or in-force business of the insurer, (b) the value of the insurer as a going concern, (c) the value of its agency force, and (d) the value of other of its assets. The Legislature declares that such values and assets should be preserved if the circumstances of the insurer's financial condition warrant an attempt to conserve or rehabilitate such insurer and such rehabilitation or conservation is otherwise feasible. It is the purpose of the Legislature to provide for rehabilitation and conservation of insurers by authorizing and requiring the additional facility of supervision and conservatorship by the State Board of Insurance, to authorize action to resolve whether an attempt be made to rehabilitate and conserve an insurer, and to avoid, if possible and feasible, the necessity of temporary or permanent receivership. It is the further purpose of this Act to provide for protection of the assets of an insurer pending determination of whether or not an insurer can be successfully rehabilitated. It is not the sense of the Legislature that rehabilitation will be accomplished in every case, but it is the purpose of this article to provide a facility and direction for attempting

the rehabilitation without immediate resort to the harsher remedy of receivership. In the event that receivership ultimately becomes necessary, it is nevertheless the belief and finding of the Legislature that the preliminary supervision and conservatorship is preventive of a dissipation of assets and will thus benefit policy holders, creditors and owners; and the State Board of Insurance is directed, in its discretion, to the use of this authorization. The Legislature further finds that an insurer delinquency, or the state's incapacity to properly proceed in a threatened delinquency, directly or indirectly affects other insurers by creating a lack of public confidence in insurance and in insurance companies. As respects the state, insurer delinquencies are destructive of public confidence in the capacity of the state to regulate insurers. These and other harmful results of insurer delinquency are properly minimized by a further enactment designed to protect and in aid of insureds, creditors and owners. The Legislature intends and expects that the inappropriate as well as the appropriate concerns in respect of insurance and insurers will be reduced by the existence and operation of this law. The Legislature declares that it is a proper concern of this state and proper policy to attempt to correct or remedy insurer misconduct, ineptness or misfortune. It is the purpose of the Legislature to express, or to imply from context when not expressed, an authorization, provision and enabling of the promulgation of rules and regulations by the State Board of Insurance as directed in these legislative findings and in the augmentation of this law; and to provide also for any other requisite administrative action. In consequence of the foregoing, the substance and procedure of this Article is here declared to be the public policy of this state and necessary to the public welfare. Such policy and welfare requires the availability of this law and the application of this law whenever circumstances warrant; and it is therefore a condition of doing an insurance business in this state; and it is made applicable and is a consequence of any other transactions in respect of an insurer or insurance. And in conjunction with existing law, the rationale is effected in the provision herein for a generally ordered

sequence, and review at each such step, of supervision, concurrent conservation and rehabilitation (including reinsurance), and, as may at any time or ultimately be indicated or determined, cessation of the conservation by accomplishment of rehabilitation or by receivership and liquidation.

"Section 2, DEFINITION, APPLICATION AND SCOPE. As used in this Article, the following words, terms and phrases (in single quotes in this section of the Article but not in quotes in other sections) include the meanings, significance or application described in this section, except as another meaning is clearly requisite from the purposes or is otherwise clearly indicated by the context.

"(a) 'Insurance Company' (used interchangeably with 'insurer') is any person, organization, association or company, (authorized or unauthorized, admitted or non-admitted) acting as an insurer, or as principal or agent of an insurer, including stock companies, reciprocals or interinsurance exchanges, Lloyds associations, fraternal benefit societies, stipulated premium companies, and mutual companies of all kinds, including statewide mutual assessment corporations, local mutual aids, burial associations, and county mutual insurance companies and farm mutual insurance companies.

"(b) In respect of an insurance company or insurer, 'insolvent' or 'insolvency' and the phrases in further identity of insurer delinquency and threatened insurer delinquency, mean and include, and the conditions to which this Article is applicable include, but are not limited to, any one or more of the following circumstances or conditions:

"(1) if an insurance company's required surplus, capital, or capital stock is impaired to an extent prohibited by law, or

"(2) if an insurance company continues to write new business when it is not possessed of the surplus, capital or capital stock which is required of it by law to permit it to do so, or

"(3) if the business of any such insurance company is being conducted fraudulently, or

"(4) if any such insurance company attempts to dissolve or liquidate without first having made provisions, satisfactory to the Commissioner of Insurance, for liabilities arising from

policies of insurance issued by such company.

"(c) 'Exceeded its Powers' includes and means but is not limited to the following circumstances:

"(1) if an insurance company has refused to permit examination of its books, papers, accounts, records, or affairs by the Commissioner of Insurance, his deputy, or duly commissioned examiners; or if any insurance company, organized in the State of Texas, has removed from the State such books, papers, accounts or records necessary for an examination of such insurance company, or

"(2) if an insurance company has failed to promptly answer inquiries authorized by Article 1.25 of this Code, or

"(3) if an insurance company has neglected or refused to observe an order of the Commissioner to make good, within the time prescribed by law, any prohibited deficiency in its capital, capital stock, or surplus, or

"(4) if an insurance company without first having obtained written approval of the Commissioner has by contract or otherwise: (i) totally reinsured its entire outstanding business, or (ii) merged or consolidated substantially its entire property or business with another insurer, or

"(5) if any insurance company is continuing to write business after its license has been revoked or suspended.

"(d) 'Consent,' as used in this Act, includes and means agreement to either supervision or conservatorship by the insurance company.

"Section 3. If upon examination or at any other time it appears to or is the opinion of the Commissioner of Insurance that any insurance company is insolvent, or its condition is such as to render the continuance of its business hazardous to the public or to holders of its policies or certificates of insurance, or if such company appears to have exceeded its powers (as defined herein) or has failed to comply with the law, or if such insurance company gives its consent (as defined herein), then the Commissioner of Insurance shall upon his determination (a) notify the insurance company of his determination, and (b) furnish to the insurance company a written list of the Commissioner's requirements to abate his determination, and (c) if the Commissioner makes a further determination to supervise he shall notify the in-

surance company that it is under the supervision of the Commissioner of Insurance and that the Commissioner is applying and effecting the provisions of this Article. Such insurance company shall comply with the lawful requirements of the Commissioner of Insurance and if placed under supervision shall under supervision have thirty (30) days from the date of notice within which to comply with the requirements of the Commissioner, subject however to the provisions of this Article. In the event of such insurance company's failure to comply within such time, the Commissioner of Insurance, acting for himself, or through a conservator appointed by the Commissioner of Insurance for that purpose, shall immediately, after due and proper notice and hearing, take charge as conservator of the insurance company and all of the property and effects thereof.

"Section 4. (a) PROHIBITED ACTS DURING 30-DAY PERIOD OF SUPERVISION. During the period of supervision, the Commissioner may appoint a Supervisor to supervise such insurance company and may provide that the insurance company may not do any of the following things, during the period of supervision, without the prior approval of the Commissioner or his Supervisor:

"(1) Dispose of, convey or encumber any of its assets or its business in force;

"(2) Withdraw any of its bank accounts;

"(3) Lend any of its funds;

"(4) Invest any of its funds;

"(5) Transfer any of its property;

"(6) Incur any debt, obligation or liability;

"(7) Merge or consolidate with another company; or

"(8) Enter into any new reinsurance contract or treaty.

(b.) The Liquidator of the State Board of Insurance, or his duly appointed deputy, may be appointed to serve as the Supervisor.

"Section 5. CONSERVATORSHIP OR LIQUIDATION. If, after notice, and after hearing, at the conclusion of said thirty (30) day period, it is determined that such insurance company has failed to comply with the lawful requirements of the Commissioner, or upon consent by an insurance company, the Commissioner may appoint a Conservator, who shall immediately take charge of such in-

insurance company and all of the property, books, records, and effects thereof, and conduct the business thereof, and take such steps toward the removal of the causes and conditions, which have necessitated such order, as the Commissioner may direct. During the pendency of conservatorship, the Conservator shall make such reports to the Commissioner from time to time as may be required by the Commissioner, and shall be empowered to take all necessary measures to preserve, protect, and recover any assets or property of such insurance company, including claims or causes of action belonging to or which may be asserted by such insurance company, and to deal with the same in his own name as Conservator, and shall be empowered to file, prosecute, and defend any suit or suits which have been filed or which may thereafter be filed by or against such insurance company which are deemed by the Conservator to be necessary to protect all of the interested parties or any property affected thereby. If at the time of appointment of a Conservator or at any time during the pendency of such conservatorship it appears that the interest of the policyholders or certificate holders of such insurance company can best be protected by reinsuring the same, the Conservator may, with the approval of or at the direction of the Commissioner: (1) reinsure all or any part of such insurance company's policies or certificates of insurance with some solvent insurance company authorized to transact business in this state, and (2) to the extent that such insurance company in conservatorship is possessed of reserves attributable to such policies or certificates of insurance, the Conservator may transfer to the reinsuring company such reserves or any portion thereof as may be required to consummate the reinsurance of such policies, and any such reserves so transferred shall not be deemed a preference of creditors. The Liquidator of the State Board of Insurance, or his duly appointed deputy, may be appointed to serve as the Conservator. If the Commissioner of Insurance, however, is satisfied that such insurance company is not in condition to continue business in the interest of its policy or certificate holders, under the Conservator as above provided, the Commissioner of

Insurance shall give notice to the Attorney General who shall thereupon apply to any Court in Travis County, Texas, having jurisdiction thereof for leave to file a suit in the nature of quo warranto to forfeit the charter of such insurance company or to require it to comply with the law or to satisfy the Commissioner of Insurance as to its solvency, and to satisfy the requirement that its condition is such as to render the continuance of its business not hazardous to the public or to the holders of its policies or certificates of insurance. It shall be in the discretion of the Commissioner of Insurance to determine whether or not he will operate the Insurance company through a Conservator, as provided above, or report it to the Attorney General, as herein provided. When all the policies of an insurance company are reinsured or terminated, and all of its affairs concluded, as herein provided, the Commissioner of Insurance shall report the same to the Attorney General, who shall take such action as may be necessary to effect the forfeiture or cancellation of the charter of the insurance company so reinsured and liquidated. Where the Commissioner of Insurance lends his approval to the merger, consolidation or reinsurance of all the policies of one insurance company with that of another, the same shall be reported to the Attorney General who shall proceed to effect the forfeiture or cancellation of the charter of the insurance company from which the policies were merged, consolidated or reinsured, in the same manner as is provided for the charters of companies totally reinsured or liquidated. The cost incident to the Supervisor's and Conservator's service shall be fixed and determined by the Commissioner of Insurance and shall be a charge against the assets and funds of the insurance company to be allowed and paid as the Commissioner of Insurance may determine.

"Section 6. OUT OF STATE COMPANIES. This Article shall apply to insurance companies doing an insurance business but not domiciled in the State of Texas, whether authorized to do business in this State or not. In the event that the Commissioner of Insurance makes any of the findings provided for in Section 3 of this Article concerning any such insurance company or finds that any such insurance company is not pos-

sessed of the minimum surplus or capital or capital stock required by the Insurance Code of the State of Texas for similar type domestic companies, or if a Conservator, rehabilitator, receiver, or liquidator has been appointed in the state of domicile, or if the insurance company gives its consent as defined herein, the Commissioner of Insurance shall have the same power and jurisdiction to appoint a Supervisor or Conservator as to the assets of such out of state insurer located in this State as provided herein for domestic insurance companies. In the event that any such out of state insurance company shall fail to comply with the provisions of Section 4 of this Article with respect to any of its assets or policies located within this state during any thirty (30) day period of supervision, such act or violation shall constitute sufficient grounds for the immediate revocation of its certificate of authority to do business in this State and for the immediate appointment of a Conservator to take charge of its assets located within this state. Any Supervisor or Conservator appointed with respect to assets located in this state belonging to an out of state insurance company shall have all of the powers and authority provided for in Section 5 of this Article with respect to such assets located in this state and, in addition, may reinsure all or any part of such insurance company's policyholders or certificate holders located within this state with some solvent insurance company authorized to transact business in this state and may transfer to the reinsuring company, as reserve funds, assets or any portion thereof in his possession as may be required to consummate the reinsurance of such policies and any of such assets transferred as reserve funds shall not be deemed a preference of creditors.

"Section 7. REVIEW AND STAY OF ACTION. During the period of supervision and during the period of conservatorship, the insurance company may request the Commissioner of Insurance or in his absence, the duly appointed Deputy for such purpose, to review an action taken or proposed to be taken by the Supervisor or Conservator, specifying wherein the action complained of is believed not to be in the best interests of the insurance company, and such request shall stay the action

specified pending review of such action by the Commissioner or his duly appointed Deputy. Any order entered by the Commissioner appointing a Supervisor and providing that the insurance company shall not do certain acts as provided in Section 4 of this Article, any order entered by the Commissioner appointing a Conservator, and any order by the Commissioner following the review of an action of the Supervisor or Conservator as hereinabove provided shall be immediately reviewed by the State Board of Insurance upon the filing of an appeal by the insurance company. The Board shall review the action complained of in a public hearing and render its decision at the earliest possible date thereafter, and the requirement of ten (10) days notice set out in Article 1.04(d) of this Code may be waived by the parties of record. The Board may stay the effectiveness of any order of the Commissioner, pending its review of such order. Such appeal shall have precedence over all other business of a different nature pending before the Board, and in the public hearing any and all evidence and matters pertaining to the appeal may be submitted to the Board, whether included in the appeal or not, and the Board shall make such other rules and regulations with regard to such applications and their consideration as it deems advisable. If such insurance company be dissatisfied with any decision, regulation, order, rule, act or administrative ruling adopted by the State Board of Insurance, such dissatisfied insurance company after failing to get relief from the State Board of Insurance, may file a petition setting forth the particular objection to such decision, regulation, order, rule, act or administrative ruling, or to either or all of them, in the District Court of Travis County, Texas, and not elsewhere, against the State Board of Insurance as defendant. Said action shall have precedence over all other causes on the docket of a different nature. The action shall not be limited to questions of law and the substantial evidence rule shall not apply, except as interpretation of the Constitution may require, but such action shall be tried and determined upon a trial de novo to the same extent as now provided for in the case of an appeal from the Justice Court to the County Court. Either party to said action may appeal

to the Appellate Court having jurisdiction of said cause and said appeal shall be at once returnable to said Appellate Court having jurisdiction of said cause and said action so appealed shall have precedence in said Appellate Court over all causes of a different character therein pending. The Board shall not be required to give any appeal bond in any cause arising hereunder.

"Section 8. VENUE. Except for causes of action based upon terms of an insurance policy or policies issued by an insurance company placed in conservatorship, any suit filed against an insurance company or its Conservator, after the entrance of an order by the Commissioner of Insurance placing such insurance company in conservatorship and while such order is in effect, shall be brought in a court of competent jurisdiction in Travis County, Texas, and not elsewhere. The Conservator appointed hereunder for such company may file suit in any court of competent jurisdiction in Travis County, Texas, against any person for the purpose of preserving, protecting, or recovering any assets or property of such insurance company including claims or causes of action belonging to or which may be asserted by such insurance company.

"Section 9. DURATION OF CONSERVATORSHIP. As respects a conservatorship, the Conservator shall serve for such time as is necessary to accomplish the purposes of the conservatorship as intended by this Act. If rehabilitated, the rehabilitated insurance company shall be returned to management or new management under such reasonable conditions as will best tend to prevent the defeat of the purposes for which it was placed in conservatorship.

"Section 10. ADMINISTRATIVE ELECTION OF PROCEEDINGS. (a) If the Commissioner determines to act under authority of this Article, or is directed by the State Board of Insurance or a court of competent jurisdiction to act under this Article, the sequence of his acts and proceedings shall be as set forth herein. However, it is a purpose and substance of this Article to authorize administrative discretion—to allow the State Board of Insurance and the Commissioner administrative discretion in the event of insurance company delinquencies—and in furtherance of that purpose, the

Commissioner is hereby authorized in respect of insurance company delinquencies or suspected delinquencies to proceed and administer either under this Article or under any other applicable law, or under this law in conjunction with other law, either as such law is now existing or as is hereafter enacted, and it is so provided.

"Section 11. RULES AND REGULATIONS. The State Board of Insurance shall be empowered to adopt and promulgate such reasonable rules and regulations as may be necessary for the augmentation and accomplishment of this Act, including its purposes.

"Section 12. Other statutes authorized for use and application in conjunction with this Article are Section 14 of Article 17.25, Article 14.33 and Article 22.22 of the Insurance Code. Also authorized for use, in conjunction with this Article, in delinquency proceedings or threatened insolvencies of insurers, are any other statutes or laws possible of application with this Act or in the procedures of this Act, or in augmentation of this Act whether or not directed as applicable by such other statute; but in the event of conflict between this Article and any other Article, the provisions of this Article shall govern."

Section 2. This Act shall be cumulative of all other laws, general and special, relating to the subject matter hereof, and if in conflict with any other laws, general and special, the provisions hereof shall control and govern.

Section 3. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 4. The fact that the Commissioner of Insurance and the State Board of Insurance do not now have adequate authority to act by supervision and conservatorship to rehabilitate, reinsure, conserve or liquidate an insurance company before it becomes hopelessly insolvent or before it becomes necessary to appoint a receiver involves an emergency and creates an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days

be suspended, and the Rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

### Amendment 2

Amend Committee Amendment No. 1 to S. B. No. 477 by adding thereto a new paragraph to be known as G, immediately following F on page 6 of printed bill and by re-numbering all subsequent paragraphs, such new paragraph G to read as follows:

G. Appeals. In all appeals prosecuted in any of the Courts of this State pursuant to the provisions of this Act, such trials shall be de novo as that term is used and understood in appeals from Justice of the Peace Courts to County Courts. When such an appeal is filed and the Court thereby acquires jurisdiction, all administrative or executive action taken prior thereto shall be null and void and of no force and effect, and the rights of the parties thereto shall be determined by the Court upon a trial of the matters in controversy under rules governing the trial of other civil suits in the same manner and to the same extent as though the matter had been committed to the Courts in the first instance and there had been no intervening administrative or executive action or decision. Under no circumstances shall the substantial evidence rule as interpreted and applied by the Courts of Texas in other cases ever be used or applied to appeals prosecuted under the provisions of this Act. The Legislature hereby specifically declares that the provisions of this Section shall not be severable from the balance of this Act, and further specifically declares that this Act would not have been passed without the inclusion of this Section. If this Section, or any part thereof, is for any reason ever held by any Court to be invalid, unconstitutional or inoperative in any way, such holding shall apply to this entire Act, and in such event this entire Act shall be null, void and of no force and effect.

### Amendment 3

Amend Committee Amendment No. 1 to S. B. No. 477 by deleting the words and figures "thirty (30) days" in line 52 on page 2 of the bill and substituting in lieu thereof the words and figure "sixty (60) days" and by deleting the words and figures

"30-day" in line 49 on page 3 of the bill and substituting in lieu thereof the words and figures "60-day" and by deleting the words and figures "thirty (30) day" in line 6 on page 4 and in line 20 on page 5 of the bill and substituting in lieu thereof the words and figures "sixty (60) day" and by making similar substitution in any other portion of the bill where reference is made to such thirty (30) day period.

### Amendment 4

Unanimous consent to amend caption of S. B. No. 477 to conform.

The House amendments were read.

Senator Watson moved that the Senate do not concur in the House amendments but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following Conferees on the part of the Senate on the bill:

Senators Watson, Blanchard, Reagan, Bates and Herring.

### Reports of Standing Committees

Senator Christie by unanimous consent submitted the following reports:

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 601, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CHRISTIE, Vice-Chairman.  
WORD

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 600, have had the same under consideration, and I am instructed to report it back to the



Senate with the recommendation that it do pass and be printed.

CHRISTIE, Vice-Chairman.  
WORD

Senator Hightower by unanimous consent submitted the following reports:

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred S. B. No. 597, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HIGHTOWER, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred S. B. No. 518, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HIGHTOWER, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 983, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HIGHTOWER, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 698, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HIGHTOWER, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 50, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HIGHTOWER, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 500, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HIGHTOWER, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 944, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HIGHTOWER, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 855, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HIGHTOWER, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 856, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HIGHTOWER, Chairman.



Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 857, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HIGHTOWER, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 824, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HIGHTOWER, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 939, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HIGHTOWER, Chairman.

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred S. B. No. 602, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

**House Bill 855 Ordered Not Printed**

On motion of Senator Strong and by unanimous consent H. B. No. 855 was ordered not printed.

**House Bill 856 Ordered Not Printed**

On motion of Senator Strong and

by unanimous consent H. B. No. 856 was ordered not printed.

**House Bill 857 Ordered Not Printed**

On motion of Senator Strong and by unanimous consent H. B. No. 857 was ordered not printed.

**House Bill 944 Ordered Not Printed**

On motion of Senator Strong and by unanimous consent H. B. No. 944 was ordered not printed.

**Senate Bill 602 Ordered Not Printed**

On motion of Senator Brooks and by unanimous consent S. B. No. 602 was ordered not printed.

**House Concurrent Resolution 121  
on Second Reading**

The President laid before the Senate the following resolution:

H. C. R. No. 121, Authorizing the House Enrolling and Engrossing Clerk to make certain corrections in House Bill 347.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

**House Concurrent Resolution 122  
on Second Reading**

The President laid before the Senate the following resolution:

H. C. R. No. 122, Authorizing the House Enrolling and Engrossing Clerk to amend the caption of House Bill No. 559.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

**Senate Concurrent Resolution 70**

Senator Herring offered the following resolution:

S. C. R. No. 70, Authorizing Enrolling Clerk to make certain corrections in S. B. No. 204.

Whereas, Senate Bill 204 has passed the Senate and the House of Representatives with amendments; and

Whereas, The Senate has concurred in the House amendments; and

Whereas, There is need for certain corrections in punctuation to be made in the Engrossing and Enrolling Room; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the Engrossing and Enrolling Clerk be authorized to make the necessary corrections in punctuation in Senate Bill 204.

The resolution was read.

On motion of Senator Herring and by unanimous consent the resolution was considered immediately and was adopted.

#### House Bill 219 on Second Reading

The President laid before the Senate on its second reading and passage to third reading H. B. No. 219 (same having been read the second time on Friday, May 5, 1967, and postponed until 11:00 o'clock a.m. today with an amendment by Senator Schwartz pending).

Question—Shall the amendment by Senator Schwartz to H. B. No. 219 be adopted?

Pending discussion by Senator Schwartz of his amendment, Senator Wilson occupied the Chair.

Question—Shall the amendment by Senator Schwartz to H. B. No. 219 be adopted?

#### Recess

On motion of Senator Aikin the Senate at 11:56 o'clock a.m. took recess until 2:00 o'clock p.m. today.

#### Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the motion to recess.

#### After Recess

The President called the Senate to order at 2:00 o'clock p.m. today.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 101, Relating to the Highway Beautification Act.

H. B. No. 138, A bill to be entitled "An Act amending Article 7500, Revised Civil Statutes of Texas, 1925, relating to requirements which may be imposed on persons desiring to take, store, or divert water; and declaring an emergency."

H. B. No. 716, A bill to be entitled "An Act relating to reconveyance by the State of property acquired for highway purposes; amending Section 1, Chapter 99, General Laws, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 6673a, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 884, A bill to be entitled "An Act to permit any member of the Teacher Retirement System who has heretofore performed active military service as a member of the Armed Forces of the United States during World War II or a period of 12 months thereafter to make deposits with the Teacher Retirement System and receive current membership service credit for each creditable year of military service; prescribing the amount of the deposit; defining certain terms used herein; declaring the Act to be cumulative; and declaring an emergency."

H. B. No. 774, A bill to be entitled "An Act relating to regulating the sale, use, and transportation of herbicides; amending Sections 2(f) and 17, as amended, and Sections 3(c) and 5(d), and repealing Section 17a, all of Chapter 349, Acts of the 53rd Legislature, Regular Session, 1953 (Article 135b-4, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 357, A bill to be entitled "An Act relating to compulsory inspection of certain equipment on motor vehicles, trailers, semitrailers, pole trailers, and mobile homes registered in this State; increasing the fees for motor vehicle inspections and for certifications of appointment for State-appointed inspection stations; amending Subsections (a) and (b) of Section 140, Subsections (a), (b), (d), and (e) of Section 141, and Subsection

(a) of Section 142, Chapter 421, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6701d, Sections 140, 141, and 142, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 696, A bill to be entitled "An Act providing for and regulating the restoration to employment of certain employees of the State, political subdivision, state institution, county or municipality thereof, who serve in the Armed Forces of the United States, Texas National Guard or Texas State Guard; and declaring an emergency."

H. B. No. 794, A bill to be entitled "An Act to provide that any person certified to teach in the public schools of Texas who holds a bachelor of laws degree shall have his minimum salary calculated on the basis of a master's degree; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### House Bill 219 on Second Reading

The Senate resumed the consideration of pending business, same being H. B. No. 219 with amendment by Senator Schwartz pending.

Question—Shall the amendment by Senator Schwartz to H. B. No. 219 be adopted?

On motion of Senator Schwartz and by unanimous consent the pending amendment was withdrawn.

(Senator Aikin in the Chair.)

Senator Schwartz offered the following amendment to the bill:

Amend H. B. No. 219 by striking the words "or who shall give in payment for rental a worthless check or who shall stop payment on a check for rent then due and not in controversy."

The amendment was read.

Question on the adoption of the amendment, "Yeas" and "Nays" were demanded.

The amendment failed of adoption by the following vote:

#### Yeas—8

Berry	Patman
Brooks	Reagan
Hightower	Schwartz
Mauzy	Wilson

#### Nays—13

Aikin	Jordan
Bates	Parkhouse
Bernal	Ratliff
Christie	Wade
Connally	Watson
Creighton	Word
Hardeman	

#### Present—Not Voting

Grover

#### Absent

Blanchard	Herring
Cole	Moore
Harrington	Strong
Hazlewood	

#### Absent—Excused

Hall	Kennard
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(President in the Chair.)

Senator Wilson offered the following amendment to the bill:

Amend H. B. No. 219 by adding a quoted Section 2 to Article 1553a as contained in Section 1 of H. B. 219 which shall be and read as follows:

"Sec. 2. Every person who shall obtain a loan secured by a lien on any house, duplex, or apartment by means of fraud, trick, deception, false or fraudulent representations, statement or pretense, or who shall give in payment of any sum due and payable on any promissory note secured by a lien mentioned above, a worthless check, or who shall stop payment on a check therefor then due and not in controversy, shall be guilty of a misdemeanor and shall be fined not exceeding Two Hundred Dollars (\$200.00) or be imprisoned in the city jail not exceeding thirty (30) days, or both."

The amendment was read.

Senator Brooks raised the Point of Order that the amendment was not germane to the caption of the bill.

The President sustained the Point of Order.

Senator Mauzy offered the following amendment to the bill:

Amend H. B. No. 219 by adding the following as Section 2, and re-number Section 2 to become Section 3.

"Section 2. Every landlord, his agent, servant or employee who shall grant occupancy of any house, duplex, or apartment by means of fraud, trick, deception, false or fraudulent representations, statements or pretense or who shall grant occupancy without permission of the tenant or his agent, shall be guilty of a misdemeanor and shall be fined not exceeding \$200.00, or be imprisoned in the county jail not exceeding 30 days, or both."

The amendment was read and was adopted.

Senator Schwartz offered the following amendment to the bill:

Amend H. B. No. 219 by striking out the following language on lines 27-29 of the printed bill:

"or who shall stop payment on a check for rent then due and not in controversy."

SCHWARTZ  
MAUZY

The amendment was read.

Question on the adoption of the amendment, "Yeas" and "Nays" were demanded.

The amendment failed of adoption by the following vote:

#### Yeas—10

Bernal	Mauzy
Berry	Patman
Blanchard	Schwartz
Harrington	Wilson
Hazlewood	Word

#### Nays—14

Aikin	Herring
Bates	Hightower
Brooks	Jordan
Christie	Parkhouse
Cole	Ratliff
Creighton	Reagan
Hardeman	Watson

#### Present—Not Voting

Grover	Strong
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#### Absent

Connally	Wade
Moore	

#### Absent—Excused

Hall	Kennard
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On motion of Senator Mauzy and by unanimous consent the vote by which his amendment had been previously adopted was reconsidered.

Senator Mauzy then by unanimous consent withdrew his amendment.

Senator Mauzy offered the following amendment to the bill:

Amend H. B. No. 219 by adding the following as Section 2, and re-numbering Section 2 to become Section 3:

"Section 2. Every landlord, his agent, servant or employee who shall grant occupancy of any house, duplex, or apartment by means of fraud, trick, deception, false or fraudulent representations, statements or pretense or who shall grant occupancy without permission of the tenant or his agent, or who shall give in refund for any sum due such tenant a worthless check or who shall stop payment on a check for refund then due and not in controversy shall be guilty of a misdemeanor and shall be fined not exceeding \$200.00, or be imprisoned in the county jail not exceeding 30 days, or both."

The amendment was read and was adopted.

#### Record of Votes

Senators Hardeman, Brooks, Christie and Parkhouse asked to be recorded as voting "Nay" on the adoption of the above amendment.

On motion of Senator Hardeman and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### Record of Votes

Senators Patman, Grover and Schwartz asked to be recorded as voting "Nay" on the passage of the bill to third reading.

**Motion to Place House Bill 219  
on Third Reading**

Senator Hardeman moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 219 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

**Yeas—22**

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Moore
Brooks	Parkhouse
Christie	Ratliff
Cole	Reagan
Connally	Strong
Creighton	Wade
Hardeman	Watson
Harrington	Word

**Nays—5**

Blanchard	Schwartz
Mauzy	Wilson
Patman	

**Present—Not Voting**

Grover

**Absent**

Hazlewood

**Absent—Excused**

Hall	Kennard
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**Reports of Standing Committees**

Senator Christie by unanimous consent submitted the following reports:

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 438, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CHRISTIE, Vice-Chairman.  
WORD

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1188, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CHRISTIE, Vice-Chairman.  
WORD

Austin, Texas,  
May 9, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Departments and Institutions to which was referred H. B. No. 971, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CHRISTIE, Chairman.  
HERRING  
BROOKS  
WILSON

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1163, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CHRISTIE, Vice-Chairman.  
WORD

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 885, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CHRISTIE, Vice-Chairman.  
WORD

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 830, have had the same under consideration, and we are

instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CHRISTIE, Vice-Chairman.  
WORD

Senator Creighton by unanimous consent submitted the following report:

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to which was referred H. B. No. 226, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.  
HAZLEWOOD  
BLANCHARD  
CONNALLY  
HARDEMAN  
JORDAN  
MOORE  
RATLIFF  
REAGAN  
WADE  
WORD

Senator Cole by unanimous consent submitted the following report:

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. C. R. No. 46, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLE, Chairman.  
REAGAN  
BLANCHARD

Senator Christie by unanimous consent submitted the following report:

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Departments and Institutions to which was referred H. B. No. 1276, have had the same under consideration, and we are instructed to report it back to the Senate with the recom-

mendation that it do pass and be printed.

CHRISTIE, Chairman.  
SCHWARTZ  
BROOKS  
HERRING  
WILSON

#### House Bill 1095 Re-referred

On motion of Senator Connally and by unanimous consent H. B. No. 1095 will be withdrawn from the Committee on State Affairs and re-referred to the Committee on Agriculture and Livestock.

#### Motion to Re-refer House Bill 1087

Senator Brooks asked unanimous consent that H. B. No. 1087 be withdrawn from the Committee on State Affairs and re-referred to the Committee on Jurisprudence.

There was objection.

#### Bills Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills:

S. B. No. 48, A bill to be entitled "An Act amending Chapter 426 of the Acts of the 58th Legislature, Page 1100 of the Session Laws of the Regular Session of 1963, known as Article 1436b of the Penal Code of the State of Texas by amending Section 3 and Section 3(a) thereof providing that any person in any county of this State with more than one pound of mercury in his possession and who has not in his possession a bill of sale or other written evidence of title shall be guilty of a felony; providing penalties for violation of the terms of the Act; and declaring an emergency."

S. B. No. 94, A bill to be entitled "An Act to prohibit governmental bodies from holding meetings which are closed to the public; etc., and declaring an emergency."

S. B. No. 218, A bill to be entitled "An Act relating to the creation, establishment, maintenance and operation of a Hospital District in accordance with the provisions of Section 9 of Article IX of the Constitution of the State of Texas, to be known as the Knox County Hospital District, with boundaries coextensive

with the boundaries of Knox County, Texas; etc., and declaring an emergency."

S. B. No. 353, A bill to be entitled "An Act prescribing the minimum and maximum salary to be paid to the official shorthand reporter for the 40th Judicial District; prescribing the method of fixing and paying such salary; providing for additional duties by said reporter in the County Court of Ellis County, Texas; and declaring an emergency."

S. B. No. 463, A bill to be entitled "An Act amending statutes relative to abandonment under Harris County road laws, etc., and declaring an emergency."

S. B. No. 478, A bill to be entitled "An Act to provide protection for the loss claimant under all types of fire and casualty insurance coverage in the event of insolvency, liquidation, or bankruptcy of his insurance carrier by providing for a preference in the payment of his loss claim and by requiring insurance carriers writing fire and casualty insurance coverage to accumulate and maintain reserves for the payment of both loss claims and loss claim administrative expenses, etc.; and declaring an emergency."

#### House Bill 1038 on Second Reading

On motion of Senator Patman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1038, A bill to be entitled "An Act creating the constitutional office of Criminal District Attorney for Victoria County, Texas; etc., and declaring an emergency."

The bill was read second time.

Senator Patman offered the following amendment to the bill:

Amend Section 4 of House Bill No. 1038 to read as follows:

"Section 4. The Criminal District Attorney shall receive a salary not to exceed \$14,000 per year, to be fixed by the Commissioners Court and paid out of the officers' salary fund of Victoria County, if adequate; if inadequate, the Commissioners Court

shall transfer the necessary funds from the general fund of the county to the officers' salary fund."

The amendment was read and was adopted.

On motion of Senator Patman and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### House Bill 1038 on Third Reading

Senator Patman moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 1038 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Berry	Moore
Blanchard	Parkhouse
Brooks	Patman
Christie	Ratliff
Cole	Reagan
Connally	Schwartz
Creighton	Strong
Grover	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

Absent—Excused

Hall Kennard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Committee Substitute House Bill 90 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C. S. H. B. No. 90, A bill to be entitled "An Act relating to unemployment compensation in this State;

providing benefits, benefit eligibility conditions, claims for benefits, contributions, collection of contributions, and reciprocal arrangements; adding a new Subsection (e) to Section 7 and new Subsections (n) and (o) to Section 14; amending Subsections (b) and (e) of Section 3, Subsection (e) of Section 4, Subsection (b) of Section 6, Subsections (a), (c), and (d) of Section 7, Subsections (a), (b), (c), and (f) of Section 14, Subsections (b) and (d) of Section 17A, and Subsection (n) of Section 19 of Chapter 482, Acts of the 44th Legislature, 3rd Called Session, 1936, as amended (Article 5221b, Vernon's Texas Civil Statutes); repealing laws or parts of laws in conflict with certain limitations and construction as to rights of individuals to benefits; providing for severability; and declaring an emergency."

The bill was read second time and passed to third reading.

#### Committee Substitute House Bill 90 on Third Reading

Senator Herring moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. H. B. No. 90 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Berry	Moore
Blanchard	Parkhouse
Brooks	Patman
Christie	Ratliff
Cole	Reagan
Connally	Schwartz
Creighton	Strong
Grover	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

#### Absent—Excused

Hall	Kennard
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—29

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Berry	Moore
Blanchard	Parkhouse
Brooks	Patman
Christie	Ratliff
Cole	Reagan
Connally	Schwartz
Creighton	Strong
Grover	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

#### Absent—Excused

Hall	Kennard
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#### House Bill 278 on Second Reading

On motion of Senator Bates and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 278, A bill to be entitled "An Act changing the period of living apart without cohabitation as a ground for divorce; amending Article 4629, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 278 on Third Reading

Senator Bates moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 278 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Hardeman
Bates	Harrington
Bernal	Hazlewood
Berry	Herring
Blanchard	Hightower
Brooks	Jordan
Christie	Mauzy
Cole	Moore
Connally	Parkhouse
Creighton	Patman
Grover	Ratliff



Reagan	Watson
Schwartz	Wilson
Strong	Word
Wade	

Absent—Excused

Hall	Kennard
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill on First Reading

The following bill received from the House, was read the first time and referred to the committee indicated:

H. B. No. 862, to Committee on Counties, Cities and Towns.

#### House Bill 758 on Second Reading

Senator Reagan asked unanimous consent to suspend the regular order of business and take up H. B. No. 758 for consideration at this time.

There was objection.

Senator Reagan then moved to suspend the regular order of business and take up H. B. No. 758 for consideration at this time.

The motion prevailed by the following vote:

Yeas—24

Aikin	Harrington
Bates	Hazlewood
Bernal	Herring
Berry	Hightower
Blanchard	Jordan
Brooks	Moore
Christie	Parkhouse
Cole	Ratliff
Connally	Reagan
Creighton	Watson
Grover	Wilson
Hardeman	Word

Nays—4

Mauzy	Schwartz
Patman	Strong

Absent

Wade

Absent—Excused

Hall	Kennard
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The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 758, A bill to be entitled "An Act amending the Texas Miscellaneous Corporation Laws Act, enacted by Acts 1961, 57th Legislature, Chapter 205, Page 408, Section 1, by adding a new Article 1302-2.08, relating to the authority of certain corporations to borrow money and setting maximum interest rates thereon; prohibiting the plea or defense of usury in certain instances; providing exemptions; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### Record of Votes

Senators Harrington, Patman, Strong and Schwartz asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### House Bill 758 on Third Reading

Senator Reagan moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 758 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Jordan
Blanchard	Moore
Brooks	Parkhouse
Christie	Ratliff
Cole	Reagan
Connally	Wade
Creighton	Watson
Grover	Wilson
Hardeman	Word

Nays—5

Harrington	Schwartz
Mauzy	Strong
Patman	

Absent—Excused

Hall	Kennard
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The President then laid the bill be-

fore the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—23**

Aikin	Hazlewood
Bates	Hightower
Bernal	Jordan
Berry	Moore
Blanchard	Parkhouse
Brooks	Ratliff
Christie	Reagan
Cole	Wade
Connally	Watson
Creighton	Wilson
Grover	Word
Hardeman	

**Nays—6**

Harrington	Patman
Herring	Schwartz
Mauzy	Strong

**Absent—Excused**

Hall	Kennard
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**Motion to Adjourn**

Senator Schwartz moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

The motion was lost.

**Record of Vote**

Senator Hardeman asked to be recorded as voting "Yea" on the motion to adjourn.

**Senate Resolution 614**

Senator Word offered the following resolution:

Whereas, It has been learned with pleasure that Blakeley Hall, son of our colleague the Honorable Ralph Hall, is satisfactorily recovering from a recent illness; and

Whereas, It is the desire of the Senate to express its wish to Blakeley for a full and speedy recovery; now, therefore be it

Resolved, That the Senate of Texas express its concern to Blakeley and wish for him a complete and speedy recovery and that a copy of this Resolution, under the seal of the Senate, be forwarded to him by the Secretary.

**WORD  
HARDEMAN**

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Harrington, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Parkhouse, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson.

The resolution was read.

On motion of Senator Hightower and by unanimous consent the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was then adopted.

**Senate Bill 28 With  
House Amendment**

Senator Wade called S. B. No. 28 from the President's Table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

**Committee Amendment 1**

Amend S. B. No. 28, line 26 of page 1 of the printed bill, by striking the words "and learning"; and on line 30 of page one, by striking the "a" following the words "Section 1," and by deleting all of Section 1(b).

In Section 2, line 46 of page 1, strike the words "or learning." In Section 4, line 52 of page 1, strike the words "or learning"; and strike all of the last sentence of Section 4.

The House amendment was read.

Senator Wade moved that the Senate concur in the House amendment.

The motion prevailed.

**Senate Bill 29 With  
House Amendment**

Senator Wade called S. B. No. 29 from the President's Table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

**Committee Amendment 1**

Amend Senate Bill Number 29, lines 29, 30, 31, 45, 51, and 53 of page 1

of the printed bill, by striking the words "and learning"; and by deleting all of the language of Section 1, lines 11-19 of page 2, beginning with the words "Provided further" and ending with the words "its inception."

The House amendment was read.

Senator Wade moved that the Senate concur in the House amendment.

The motion prevailed.

#### House Bill 438 Ordered Not Printed

On motion of Senator Blanchard and by unanimous consent H. B. No. 438 was ordered not printed.

#### House Bill 676 on Second Reading

On motion of Senator Wade and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 676, A bill to be entitled "An Act relating to the continuation of an appointment of, and the conditions of issuing a temporary license to, a life insurance agent; amending Subdivision (e), as added to Section 9, and adding a Subdivision (c) to Section 10, Chapter 213, Acts of the 54th Legislature, 1955, as amended (Article 21.07-1, Vernon's Texas Insurance Code); and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 676 on Third Reading

Senator Wade moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 676 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Grover
Bates	Hardeman
Bernal	Harrington
Berry	Hazlewood
Blanchard	Herring
Brooks	Hightower
Christie	Jordan
Cole	Mauzy
Connally	Moore
Creighton	Parkhouse

Patman	Wade
Ratliff	Watson
Reagan	Wilson
Strong	Word

Nays—1

Schwartz

Absent—Excused

Hall

Kennard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Strong
Grover	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word

Nays—1

Schwartz

Absent—Excused

Hall

Kennard

#### House Bill 466 on Second Reading

On motion of Senator Wade and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 466, A bill to be entitled "An Act amending Chapter 156, Acts of the 55th Legislature, Regular Session, 1957 (Article 1724, Vernon's Texas Penal Code), prohibiting the making or filing of false, misleading or unfounded reports to any governmental agency in this State for the purpose of interfering with the operation of such governmental agency or to mislead any officer of such agency; etc., and declaring an emergency."

The bill was read second time and passed to third reading.

**House Bill 466 on Third Reading**

Senator Wade moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 466 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Berry	Moore
Blanchard	Parkhouse
Brooks	Patman
Christie	Ratliff
Cole	Reagan
Connally	Schwartz
Creighton	Strong
Grover	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

**Absent—Excused**

Hall	Kennard
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—29**

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Berry	Moore
Blanchard	Parkhouse
Brooks	Patman
Christie	Ratliff
Cole	Reagan
Connally	Schwartz
Creighton	Strong
Grover	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

**Absent—Excused**

Hall	Kennard
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**House Bill 669 on Second Reading**

On motion of Senator Harrington and by unanimous consent, the reg-

ular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 669, A bill to be entitled "An Act concerning faculty development leaves of absence for faculty members of State institutions of higher learning, and declaring an emergency."

The bill was read second time and passed to third reading.

**House Bill 669 on Third Reading**

Senator Harrington moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 669 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Berry	Moore
Blanchard	Parkhouse
Brooks	Patman
Christie	Ratliff
Cole	Reagan
Connally	Schwartz
Creighton	Strong
Grover	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

**Absent—Excused**

Hall	Kennard
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—29**

Aikin	Grover
Bates	Hardeman
Bernal	Harrington
Berry	Hazlewood
Blanchard	Herring
Brooks	Hightower
Christie	Jordan
Cole	Mauzy
Connally	Moore
Creighton	Parkhouse

Patman	Wade
Ratliff	Watson
Reagan	Wilson
Schwartz	Word
Strong	

Absent—Excused

Hall	Kennard
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#### House Concurrent Resolution 101 on Second Reading

The President laid before the Senate the following resolution:

H. C. R. No. 101, Relating to the Highway Beautification Act.

The resolution was read.

On motion of Senator Herring and by unanimous consent the resolution was considered immediately and was adopted.

#### House Bill 772 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 772, Amending Art. 1436, Revised Civil Statutes of Texas, 1925, and amending Chapter 228, Acts of the 51st Legislature, Regular Session, 1949 (Article 1436a, Vernon's Texas Civil Statutes), being an Act granting to certain gas, electric current and power corporations the general powers of eminent domain, authorizing the construction, maintenance and operation of lines and facilities along, on, upon and over public roads, streets and alleyways, prescribing minimum standards of safety for such construction, maintenance and operation, etc., and declaring an emergency."

The bill was read second time.

Senator Reagan offered the following amendment to the bill:

Amend H. B. No. 772 by placing a comma at the end of Section 3. after the phrase (Article 6674w 1-5, Vernon's Texas Civil Statutes) and add the following clause:

and provided further, this Section shall not change, modify or limit the rights granted corporations, cities and towns in Section 2. of this Act.

The amendment was read and was adopted.

On motion of Senator Aikin and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### House Bill 772 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 772 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Berry	Moore
Blanchard	Parkhouse
Brooks	Patman
Christie	Ratliff
Cole	Reagan
Connally	Schwartz
Creighton	Strong
Grover	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

Absent—Excused

Hall	Kennard
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill 86 on Second Reading

On motion of Senator Cole and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 86, A bill to be entitled "An Act to include within the definition of the term "exceptional children" eligible for special education services pregnant girls who are residents of or under the care of licensed maternity homes; amending Paragraph a, Subsection (4), Section 1, Article III of Chapter 334, Acts of the 51st Legislature, Regular Session, 1949, as

amended (Article 2922-13, Vernon's Texas Civil Statutes); and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 86 on Third Reading

Senator Cole moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 86 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Berry	Moore
Blanchard	Parkhouse
Brooks	Patman
Christie	Ratliff
Cole	Reagan
Connally	Schwartz
Creighton	Strong
Grover	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

Absent—Excused

Hall Kennard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—29

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Berry	Moore
Blanchard	Parkhouse
Brooks	Patman
Christie	Ratliff
Cole	Reagan
Connally	Schwartz
Creighton	Strong
Grover	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

Absent—Excused

Hall Kennard

#### House Bill 255 on Second Reading

Senator Cole asked unanimous consent to suspend the regular order of business and take up H. B. No. 255 for consideration at this time.

There was objection.

Senator Cole then moved to suspend the regular order of business and take up H. B. No. 255 for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Berry	Moore
Blanchard	Parkhouse
Brooks	Patman
Christie	Ratliff
Cole	Reagan
Connally	Schwartz
Creighton	Strong
Grover	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

#### Nays—1

Hardeman

Absent—Excused

Hall Kennard

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 255, A bill to be entitled "An Act amending Article 4591, Revised Civil Statutes of Texas, 1925, as amended, relating to legal holidays on which state public offices may be closed; and declaring an emergency."

The bill was read second time.

Senator Cole offered the following Committee Amendment to the bill:

Amend H. B. No. 255, Section 1 "Article 4591" by adding after "the first Monday in September," the following, to-wit:

"the 12th day of October."

The Committee Amendment was read and was adopted.

Senator Blanchard offered the following amendment to the bill:

Amend H. B. No. 255 by changing the words May 30th on line 30 to May 1.

The amendment was read.

Question on the adoption of the amendment, "Yeas" and "Nays" were demanded.

The amendment failed of adoption by the following vote:

**Yeas—6**

Blanchard	Hightower
Grover	Ratliff
Hardeman	Strong

**Nays—21**

Aikin	Mauzy
Bates	Moore
Bernal	Parkhouse
Berry	Patman
Brooks	Reagan
Christie	Schwartz
Cole	Wade
Connally	Watson
Harrington	Wilson
Herring	Word
Jordan	

**Absent**

Creighton	Hazlewood
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**Absent—Excused**

Hall	Kennard
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The bill as amended was passed to third reading.

**Record of Votes**

Senators Hardeman, Blanchard and Grover asked to be recorded as voting "Nay" on the passage of the bill to third reading.

**House Bill 255 on Third Reading**

Senator Cole moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 255 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—26**

Aikin	Brooks
Bates	Christie
Bernal	Cole
Berry	Connally

Grover	Patman
Harrington	Ratliff
Hazlewood	Reagan
Herring	Schwartz
Hightower	Strong
Jordan	Wade
Mauzy	Watson
Moore	Wilson
Parkhouse	Word

**Nays—2**

Blanchard	Hardeman
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**Absent**

Creighton

**Absent—Excused**

Hall	Kennard
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Record of Votes**

Senators Hardeman, Grover and Blanchard asked to be recorded as voting "Nay" on the final passage of the bill.

**House Bill 695 on Second Reading**

On motion of Senator Cole and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 695, A bill to be entitled "An Act relating to veteran's preference in state appointment or employment; amending Section 1, Chapter 357, Acts of the 49th Legislature, 1945, as amended (Article 4413(31), Vernon's Texas Civil Statutes); and declaring an emergency."

The bill was read second time and passed to third reading.

**House Bill 695 on Third Reading**

Senator Cole moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 695 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Hightower
Bates	Jordan
Bernal	Mauzy
Berry	Moore
Blanchard	Parkhouse
Brooks	Patman
Christie	Ratliff
Cole	Reagan
Connally	Schwartz
Creighton	Strong
Grover	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

**Absent—Excused**

Hall	Kennard
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Bill 955 on Second Reading**

On motion of Senator Cole and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 955, Relating to the commitment and transfer of mentally ill persons to Veterans Administration hospitals, etc., and declaring an emergency.

The bill was read second time.

Question—Shall H. B. No. 955 be passed to third reading?

**Motion to Recess**

Pending discussion by Senator Cole of the bill, Senator Blanchard moved that the Senate take recess until 10:30 o'clock a.m. tomorrow.

The motion was lost.

**Record of Vote**

Senator Hardeman asked to be recorded as voting "Yea" on the motion to recess.

**Motion to Adjourn**

Pending further discussion by Senator Cole of the bill, Senator

Schwartz moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

The motion was lost by the following vote:

**Yeas—12**

Bernal	Hazlewood
Blanchard	Mauzy
Christie	Reagan
Connally	Schwartz
Grover	Strong
Hardeman	Wilson

**Nays—16**

Aikin	Jordan
Bates	Moore
Berry	Parkhouse
Brooks	Patman
Cole	Ratliff
Harrington	Wade
Herring	Watson
Hightower	Word

**Absent**

Creighton

**Absent—Excused**

Hall	Kennard
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**House Bill 955 on Second Reading**

The Senate resumed consideration of the pending business, same being H. B. No. 955 on its second reading and passage to third reading.

Question—Shall H. B. No. 955 be passed to third reading?

The bill was passed to third reading.

**House Bill 955 on Third Reading**

Senator Cole moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 955 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Cole
Bates	Connally
Bernal	Creighton
Berry	Grover
Blanchard	Hardeman
Brooks	Harrington
Christie	Hazlewood



Herring	Reagan
Hightower	Schwartz
Jordan	Strong
Mauzy	Wade
Moore	Watson
Parkhouse	Wilson
Patman	Word
Ratliff	

Absent—Excused

Hall Kennard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill 805 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent H. B. No. 805 was ordered not printed.

#### House Bill 974 on Second Reading

On motion of Senator Word and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 974, Providing for state aid in paying court-appointed counsel in certain cases involving juveniles in certain counties, etc., and declaring an emergency.

The bill was read second time and was passed to third reading.

#### House Bill 974 on Third Reading

Senator Word moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 974 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Grover
Bates	Hardeman
Bernal	Harrington
Berry	Hazlewood
Blanchard	Herring
Brooks	Hightower
Christie	Jordan
Cole	Mauzy
Connally	Moore
Creighton	Parkhouse

Patman	Wade
Ratliff	Watson
Reagan	Wilson
Schwartz	Word
Strong	

Absent—Excused

Hall Kennard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill 456 on Second Reading

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 456, A bill to be entitled "An Act relating to raising the bond payable by the justice of the peace to the county judge, amending Article 2373, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend H. B. No. 456 by striking the words "the sum of" on lines 23 and 24, Page 1, of the printed bill and substituting in lieu thereof the following: "a sum."

The amendment was read and was adopted.

The bill as amended was passed to third reading.

#### House Bill 456 on Third Reading

Senator Brooks moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 456 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Blanchard
Bates	Brooks
Bernal	Christie
Berry	Cole

Connally	Parkhouse
Creighton	Patman
Grover	Ratliff
Hardeman	Reagan
Harrington	Schwartz
Hazlewood	Strong
Herring	Wade
Hightower	Watson
Jordan	Wilson
Mauzy	Word
Moore	

Absent—Excused

Hall Kennard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Bill 300 on Second Reading**

Senator Watson asked unanimous consent to suspend the regular order of business and take up H. B. No. 300 for consideration at this time.

There was objection.

Senator Watson then moved to suspend the regular order of business and take up H. B. No. 300 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Aikin	Moore
Bates	Parkhouse
Blanchard	Patman
Christie	Ratliff
Connally	Reagan
Creighton	Schwartz
Hardeman	Wade
Harrington	Watson
Herring	Wilson
Hightower	Word

Nays—7

Bernal	Jordan
Berry	Mauzy
Brooks	Strong
Grover	

Absent

Cole Hazlewood

Absent—Excused

Hall Kennard

The President laid before the Sen-

ate on its second reading and passage to third reading:

H. B. No. 300, A bill to be entitled "An Act relating to the annual fee, and proration of the fee, for the registration of motorcycles, passenger cars, street or suburban buses, trailers, and semitrailers; amending Sections 4, 5 and 8, Chapter 88, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Articles 6675a-4, 6675a-5 and 6675a-8, Vernon's Texas Civil Statutes), and declaring an emergency."

The bill was read second time.

Question—Shall H. B. No. 300 be passed to third reading?

**Memorial Resolutions**

S. R. No. 600—By Senator Watson: Memorial resolution for Mrs. D. C. Lillard.

S. R. No. 602—By Senator Watson: Memorial resolution for Mrs. Stanley P. Howard.

S. R. No. 603—By Senator Watson: Memorial resolution for Miss Julia Belle James.

S. R. No. 608—By Senator Watson: Memorial resolution for Mrs. John (Vernie) Fullbright.

S. R. No. 609—By Senator Watson: Memorial resolution for Mrs. A. E. Hill.

**Welcome Resolutions**

S. R. No. 604—By Senator Herring: Extending welcome to Mr. and Mrs. Donald Stanton McGill and extending privileges of floor for the day.

S. R. No. 605—By Senator Wilson: Extending welcome to Judge Jim Sewell and extending privileges of the floor for the day.

S. R. No. 606—By Senator Watson: Extending welcome to Jack Ferroll and Dee DeOnofrio.

S. R. No. 610—By Senator Bernal: Extending welcome to teachers and students of Fifth and Sixth Grade of Edgewood School in San Antonio.

S. R. No. 611—By Senator Herring: Extending welcome to Gerald Jackson and extending privileges of the floor for the day.

S. R. No. 612—By Senator Herring: Extending welcome to teacher and students of Speech Class of San Marcos Academy.

S. R. No. 613—By Senator Schwartz: Extending welcome to Paulette Wolf, et al.

### Recess

On motion of Senator Brooks the Senate at 4:53 o'clock p.m. took recess until 10:30 o'clock a.m. tomorrow.

## APPENDIX

### Reports of Standing Committee

Senator Hardeman submitted the following reports:

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 463, An Act to amend the Harris County Road Law, Acts 1913, 33rd Legislature, Special Laws, page 64, Chapter 17, as amended, by adding thereto Section 31-E to provide that when the Commissioners Court shall determine that any real property, or interest therein, heretofore or hereafter acquired by Harris County for road purposes is no longer needed for road purposes, the Commissioners Court shall have the power to sell such real property, or such court shall have the power to exchange any such real property for any other real property needed by Harris County for road purposes; providing a priority system for the sale of such real property; providing that all monies derived from sales of such real property shall be deposited to the credit of the Road and Bridge Fund of Harris County; authorizing execution of quitclaim deeds to owners of the fee of certain properties no longer needed for road purposes; making the sale, exchange and conveyance of such real property subject to the rights of public utilities and common carriers using such property; providing a saving clause; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 218, An Act relating to the creation, establishment, maintenance and operation of a hospital district in accordance with the provisions of Section 9 of Article IX of the Constitution of the State of Texas, to be known as the Knox County Hospital District, with boundaries co-extensive with the boundaries of Knox County, Texas; defining its purposes; providing for its administration, operation, financing, taxing powers and liabilities; providing said district with the authority to acquire existing publicly owned hospital facilities and providing the requirements and the authority on the part of the county owning and operating hospital facilities to transfer to said district and for the district to assume the county debts for said hospital facilities; prescribing procedures; providing tax exemptions; providing for severability; reciting proof of publication of constitutional notice; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 353, An Act prescribing the minimum and maximum salary to be paid to each of the official shorthand reporters for the 8th, 40th, and the 123rd Judicial District; prescribing the method of fixing and paying such salary; providing for additional duties by the reporter of the 40th Judicial District in the County Court of Ellis County, Texas; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 94, An Act to prohibit governmental bodies from holding meetings which are closed to the public; defining the term "governmental body"; making certain exceptions; providing for relief by mandamus or injunction to prevent closed meetings; making unlawful certain acts pertaining to closed meetings and prescribing a penalty therefor; providing for severability; repealing all laws in conflict; and declaring an emergency. has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 478, An Act amending Chapter 21 of the Insurance Code, adding thereto a new Article 21.28B entitled "Loss Claimant's Priorities Act," creating a preference in respect of an insolvency, liquidation or bankruptcy proceeding in favor of a loss claimant under certain insurance policies including policies issued by property-casualty insurers, excepting loss claimants under title insurance policies; providing a statement of legislative purpose; defining loss claim; providing for the scope and application of the Act; prohibiting unconstitutional application of the Act; amending Article 17.22 of the Insurance Code to make the law applicable to Chapter 17 companies; providing

a severability clause; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 10, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 48, An Act amending Chapter 426 of the Acts of the 58th Legislature, page 1100 of the Session Laws of the Regular Session of 1963, known as Article 1436b of the Penal Code of the State of Texas, by amending Section 3 thereof providing that any person in any county of this State with more than one pound of mercury in his possession and who has not in his possession a bill of sale or other written evidence of title, and is unable to produce such evidence without unnecessary delay, shall be guilty of a felony; providing penalties for violation of the terms of the Act; providing for a prima facie case; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Sent to Governor

May 10, 1967

S. B. No. 464

S. B. No. 451

S. B. No. 425

S. B. No. 292

S. C. R. No. 67

S. C. R. No. 68

S. C. R. No. 69

## In Memory of Dr. N. A. Cox

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Senator Blanchard offered the following resolution:

(Senate Resolution 607)

Whereas, Our State lost one of its fine and outstanding citizens with the death of Dr. N. A. Cox on May 5, 1967; and

Whereas, Dr. Cox came to Lubbock after finishing veterinarian school at Texas A. & M. and practiced in Lubbock until 1952; and

Whereas, He was widely known in restaurant circles; in addition to owning six restaurants in Lubbock and one in Amarillo, Dr. Cox also owned the B & L Distributing Company, a restaurant warehousing firm at 2408 4th Street; and

Whereas, He served as secretary and treasurer of the State Veterinarians Medical Examining Board from 1943 until 1950. Dr. Cox was president of the Lubbock Lions Club in 1966 and also held offices of vice president and director in that organization. He was a member of the Civil Service Commission from 1963 until 1966 and served as its chairman in 1965 and 1966. Dr. Cox was chairman of finance for Little League Baseball and had been a member of the Chamber of Commerce since 1937. He also held membership in the Blue Lodge, Chapter and Council, Commandery, Scottish Rite and South Plains Shrine Association; and

Whereas, Dr. Cox was born in Bronte, Texas and was a graduate of Ralls High School. He was a member of the First Methodist Church, where he had served on the Board of Stewards; and

Whereas, He is survived by his wife, Adelia; a son, Lester, a student at Texas A. & M.; a daughter, Mrs. James Garner, 3204 27th Street; his mother, Mrs. Ashley Cox, 4011 47th Street; a brother, Dr. Valtan V. Cox, 4605 14th Street; two sisters, Mrs. Elnora Turner, Amarillo, and Mrs. Juanell Elliott, Los Angeles; and a grandson, Kevin Garner, Lubbock; and

Whereas, It is the desire of the Senate to honor the memory of Dr. Cox and to express its sympathy to the surviving members of his family; now, therefore, be it

Resolved, by the Senate of the State of Texas, That it does hereby extend sincere sympathy to Dr. N. A. Cox's family; that copies of this Resolution be provided by the Secretary of the Senate, under the seal of the Senate; that a page in the Journal be set aside for this Resolution; and that when the Senate adjourns today it do so in honor of Dr. N. A. Cox.

BLANCHARD

Signed—Lieutenant Governor Preston Smith; Alkin, Bates, Bernal, Berry, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Parkhouse, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the names of the Lieutenant Governor and all Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.